In the Supreme Court of the United States

OCTOBER TERM, 1975

No. 75-1551

WALTER J. SAMPSON, ET AL., PETITIONERS

v.

THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES, ET AL.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF CLAIMS

MEMORANDUM FOR THE UNITED STATES

On June 28, 1974, the Court of Claims entered judgment for petitioners and against the United States for $292,574.26 (204 Ct. Cl. 920; Pet. App. 35a-36a). The United States did not seek review of this judgment. Thereafter proceedings continued in the Court of Claims to determine whether the petitioners or respondent, The Equitable Life Assurance Society of the United States, were entitled to distribution of the proceeds of the judgment. As petitioners state (Pet. 8), the United States took no position on this question. On January 28, 1976, the Court of Claims entered judgment directing that the $292,574.26 awarded earlier be distributed to Equitable instead of to petitioners (Pet. App. 73a). No part of the judgment has yet been paid by the United States.

The United States continues to take no position regarding how the unpaid $292,574.26 judgment should be distributed.

ROBERT H. BORK,
Solitictor General.

MAY 1976.